

Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application. No claims have been added, withdrawn, or amended in this response. Thus, claims 1-11 remain pending.

Claim Rejections § 102

Claims 1, 2, 5, 6, 8, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,343,522 issued to Yatrou et al. (*Yatrou*). For at least the reasons set forth below, the Applicant submits that claims 1, 2, 5, 6, 8, and 9 are not anticipated by *Yatrou*.

The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim.

Independent claims 1 and 8 recite:

a plurality of echo cancellors to cancel echo on said communications line, said echo cancellors each operating to cancel echoes that arrive during a predetermined bandwidth of time, said predetermined band-widths of time being non-overlapping;

(Emphasis added). Independent claim 5 is a method claim that similarly recites “establishing a plurality of non-overlapping echo canceling filters” and “training each of said non-overlapping echo canceling filters such that each produces a canceling signal within a predetermined time bandwidth.”

The Office action directs the Applicant’s attention to column 3, line 12 through column 4, line 57 wherein *Yatrou* states:

FIG. 1 illustrates the use of **an echo canceller** in a signal path between a mobile subscriber 10 and a started wired telephone 11 connected in the Public Switched Telephone Network (PSTN).

(Emphasis Added). The Applicant respectfully notes that *Yatrou* teaches away from the invention recited in claims 1, 5, and 8 because *Yatrou* is directed to “the use of **an echo canceller**.” Since *Yatrou* is directed to “the use of **an echo canceller**” the Applicant respectfully submits that *Yatrou* cannot teach “**a plurality of echo cancellors ... each operating to cancel echoes that arrive during a predetermined bandwidth of time,**” as recited in claims 1 and 8. Similarly, since *Yatrou* is directed to “the use of **an echo canceller**” the Applicant respectfully submits that *Yatrou* cannot teach “establishing a plurality of non-overlapping echo canceling filters” and “training each of said non-overlapping echo canceling filters such that each produces a canceling signal within a predetermined time bandwidth,” as recited in claim 5.

Claims 2, 6, and 9 respectively depend from claims 1, 5, and 8. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that claims 2, 6, and 9 are not anticipated by *Yatrou*.

Claim Rejections § 103

Dependent claims 3, 4, 7, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yatrou*. Claims 3 and 4 depend from claim 1 and include the limitations of claim 1. Claims 7 and 10 respectively depend from claims 5 and 8 and include the limitations of claims 5 and 8. For at least the reasons set forth below, the Applicant submits that claims 3, 4, 7, and 10 are not rendered obvious by *Yatrou*.

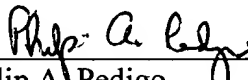
The Office Action takes “Official Notice” that the bandwidths are 16 ms apart. Section 2144.03 of the Manual of Patent Examining Procedure states that the Examiner may take “Official Notice” of facts outside of the record which are capable of instant and unquestionable demonstration as being “well-known” in the art. The Applicant respectfully requests that the Examiner provide evidence demonstrating that the alleged facts are capable of instant and unquestionable demonstration as being “well-known” in the art. The Applicant respectfully does not agree that they are capable of instant and unquestionable demonstration as being “well-known” in the art. In addition, the Applicant respectfully submits that claims 3, 4, 7, and 10 are not rendered obvious for at least the reason that the independent claims from which they depend are not anticipated obvious by *Yatrou*.

Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: November 21, 2004


Philip A. Pedigo
Reg. No. 52,107

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200